

EXHIBIT 2

RE: Uber MDL M&C re: Discovery Schedule and Custodians

Beth Wilkins <Wilkins@chaffinluhana.com>

Mon 5/13/2024 10:44 PM

To: Gromada, Veronica G. (SHB) <vgromada@shb.com>; Roopal Luhana <Luhana@chaffinluhana.com>; Shortnacy, Michael (SHB) <mshortnacy@shb.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Haider, Jay B. (SHB) <jhaider@shb.com>; Schoultz, Shannon M. (SHB) <sschoultz@shb.com>; 'Wolf, Marc Price' <mpricewolf@paulweiss.com>; Wikler, Jeremy (SHB) <JWIKLER@shb.com>; Marlene Goldenberg <mgoldenbergnighgoldenbergnigh.com>
Cc: Rachel Abrams <rabrams@peifferwolf.com>; Sarah London <slondon@lchb.com>; Uber MDL Discovery Team <ubermdldiscovery@chaffinluhana.com>; Michael Sweet <sweet@chaffinluhana.com>

 1 attachments (24 KB)

4.30.24 Discovery Milestones.docx;

Counsel,

Thank you for your email below and for the call on Friday. We are reviewing the information you provided on Friday and intend to address additional concerns related to search terms and the ESI sources searched under separate cover. Additionally, we are still reviewing Uber's objections to Plaintiffs' First RFPs and will get back to you with any questions or concerns. In the meantime, could you please address the following matters that you represented during our May 10 call would be addressed by your forthcoming email that evening but were not discussed in that email:

1. Please provide Uber's position regarding Plaintiffs' preliminary list of custodians provided on May 3. During our May 10 call, you represented you would advise by the end of the day on May 10, either (1) whether Uber agrees Plaintiffs' initial custodians and if not, on what basis, **or** (2) a date by which you will provide Uber's position regarding Plaintiffs' initial custodians and a basis for any disputed custodians.
2. A date by which Uber will provide hit reports for the two custodians Uber omitted from its initial hit reports (Catherine Gibbons and Lourdes McLoughlin).
3. Uber has identified a number of RFPs issued by MDL Plaintiffs that Uber asserts are fully covered by documents produced in the JCCP. During our call on Friday, you represented that you would identify the Requests from the JCCP that resulted in Uber's production of documents in the JCCP that Uber now asserts cover certain Requests served by MDL plaintiffs. While we understand from your May 10 email that it is your position that the respective RFPs issued do not have equivalents in the JCCP RFPs, we nonetheless ask you to identify which JCCP RFPs you believe cover which Requests served here, so that we can evaluate whether we agree with your position. Without this information, we have no way of evaluating your position.

Finally, to you confirmed the following during our call on May 10:

1. Uber agrees to meet the milestones previously provided on April 30 and attached again here.
2. During the May 10 call, we raised our concern that Uber's April 26 custodian list is nearly duplicative of the list that the JCCP plaintiffs' leadership raised as their proposed initial list of custodians, which therefore suggests that Uber did not independently indicate the custodians it believes most likely to have information relevant to this litigation. We understand that it is your position that "most likely to have discoverable information" (the terminology used by the NDCA in its ESI Guidelines and checklist) does not define Uber's obligations here. We further understand that it is Uber's position that its list of custodians provided on April 26 meets Uber's obligations under the ESI protocol issued by this Court as well as the Federal Rules of Civil Procedure.

Thank you,
Beth

Beth Wilkins, J.D., M.P.H.



CHAFFIN LUHANA LLP

Cell: (314) 856-5440

CONFIDENTIALITY NOTE: This E-mail message contains information belonging to Chaffin Luhana LLP and may be privileged, confidential and/or protected from disclosure. The information is intended only for the use of the individual or entity named above. If you think that you have received this message in error, please E-mail the sender. If you are not the intended recipient, please delete the message and understand that any dissemination, distribution or copying is strictly prohibited.

From: Gromada, Veronica G. (SHB) <vgromada@shb.com>

Sent: Friday, May 10, 2024 7:54 PM

To: Beth Wilkins <Wilkins@chaffinluhana.com>; Roopal Luhana <Luhana@chaffinluhana.com>; Shortnacy, Michael (SHB) <mshortnacy@shb.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Haider, Jay B. (SHB) <jhaider@shb.com>; Schoultz, Shannon M. (SHB) <sschoultz@shb.com>; 'Wolf, Marc Price' <mpricewolf@paulweiss.com>; Wikler, Jeremy (SHB) <JWIKLER@shb.com>; Marlene Goldenberg <mgoldenbergnighgoldenbergnigh.com>

Cc: Rachel Abrams <rabrabs@peifferwolf.com>; Sarah London <slondon@lchb.com>; Uber MDL Discovery Team <ubermdldiscovery@chaffinluhana.com>; Michael Sweet <sweet@chaffinluhana.com>

Subject: Uber MDL M&C re: Discovery Schedule and Custodians

Counsel,

In response to the questions you raised in our May 7, 2024 meet and confer and memorialized in your May 7, 2024 email, Uber is providing the following requested information.

- A. Provide Uber's Search Terms.**
- B. Provide hit reports for searches Uber has run to date, including the terms used and the custodial or non-custodial sources searched.**

This morning, Uber provided Plaintiffs with a hit report for its proposed search terms, run across Gmail and Drive data from 27 of Uber's proposed custodians, as well as a list of those custodians searched. Separate reports are provided for Gmail and Drive data. As required by the ESI Protocol, Uber is attaching to this email a report consisting of search term variants identifiable through a Relativity dictionary search with the fuzziness level set to 3. Lighthouse is running an additional hit report for Plaintiffs' proposed search terms, which we will provide when received.

- C. Identify by Request number the RFPs that Uber objects to for each category of objection under point (1) of Ms. Gromada's May 6 email: Identify, without prejudice, any objections to RFPs that would result in the withholding of large portions of documents (i.e., objections that would be made to multiple RFPs):**

Discovery and investigation are ongoing. The following RFP numbers are provided with all rights reserved, and without conceding or implying that any responsive documents exist for every RFP listed below.

- Requests that relate to activities occurring outside the US.

- This objection is a general scope objection that applies in some fashion to every Request insofar as it seeks information relating to activities occurring outside the US.
 - Specific examples where this scoping objection apply may include but are not limited to the following RFPs: 18, 19, 22, 23, 24, 26, 27, 28, 30, 31, 32, 33, 34, 35, 38, 39, 40, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 64, 65, 66, 67, 68, 72, 76, 84, 86, 89, 91, 92, 93, 94, 95, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 121, 122, 124, 126, 130, 141, 143, 147, 148, 151, 152, 154, 155, 158, 159, 160, 161, 162, 163, 165, 166, 167, 168, 169, 170, 172, 174, 175, 188, 197, 198.
 - This scoping objection does not apply to Requests such as RFP 110, 111, 133, 138, 156, and we do not believe it applies to RFPs 112, 115, 123.
- Requests calling for information outside of a time scope 1 year prior to the 1st Complaint (2014-2023).
 - As with the geographic scope objection above, Uber's time scope objection is a general scoping objection, which applies to RFPs 1-202 to the extent they request information prior to 2014.
 - Specific Requests referencing a time scope outside of the above scope include RFPs 1, 3, 4, 73.
- Requests for documents outside the possession of Uber, or equally available to Plaintiffs.
 - Such Requests include RFPs 1, 44, 137.
- Requests for documents relating to Uber's payments regarding lobbying efforts, support for certain organizations or activities.
 - Such Requests include RFPs 108, 111, 114, 116.
- Request for documents related to Uber campaigns or business initiatives or any activities unrelated to sexual misconduct or sexual assault in connection with trips requested using the Uber app in the US.
 - Such Requests include RFPs 40, 98, 99, 103, 104, 107, 162, 163.
- Requests for documents implicating the privacy rights of non-parties.
 - Such Requests include RFPs: 41, 42, 59, 60, 61, 62, 63, 74, 75.
- Requests asking for information related to subsequent remedial measures ("SRMs").
 - Such Requests include RFPs 18, 19, 21, 29.
- Requests related to statistics, tickets or other reporting, not involving named Plaintiffs.
 - Such Requests include RFPs 41, 42, 59, 60, 61, 62, 63, 74, 75.

D. Identify the basis for Uber's objections to the RFPs indicated under point (2) of Ms. Gromada's May 6 email: Identify, without prejudice, any RFPs that Uber objects to in their entirety.

Not relevant to a claim or defense: RFPs 14, 16, 17, 27, 108, 111, 113, 127, 128, 131, 135, 142, 176, 177, 178, 189, 190, 191, 192, 194, 195, 196, 199, 200, 202.

Geographic scope: RFP 157.

E. Identify the discovery request in the JCCP litigation corresponding to each MDL RFP indicated under point (3) of Ms. Gromada's May 6 email: Identify, without prejudice, any RFPs that are fully covered by documents already produced in the JCCP.

The RFPs listed in the May 6 email do not have equivalents in the JCCP RFPs, but the relevant documents were produced in that litigation. The Requests made in the present litigation satisfied

by completed JCCP productions include RFPs 1, 2, 4, 7-11, 20, 25, 65, 70, 81, 82, 89, 91, 93, and 96, provided on May 6th.

- F. Identify the process that Uber proposes for producing the documents previously produced in the JCCP (under point (3) of Ms. Gromada's email), provide a date certain that Uber will produce those documents here, and confirm that the production will be in compliance with the ESI order in place here, including all metadata fields.**

The timing and process of these reproductions depends on the entry of the Coordination Order and information Plaintiffs provide Uber related to processes for ILS to provide such documents. These reproductions will be made in compliance with ESI Protocol, with metadata provided to the extent that such information is available.

- G. Provide its position on producing non-custodial files related to its collection, aggregation, categorization and analysis of sexual misconduct reports including the data underlying Uber's Safety Reports as well as the data for the remaining 16 categories of sexual misconduct that was not included in the Safety Reports, as well data and files that have been created or collected following the Safety Reports. This will include whether Uber will produce here the files that it has been ordered to produce in the JCCP.**

As Plaintiffs are aware, this issue was litigated in the JCCP. Uber will proceed as outlined in Judge Schulman's Order on Plaintiffs' Motion for Order Compelling Data & Statistics of Sexual Assault and Sexual Misconduct in that litigation, dated Feb. 6, 2024.

- H. Provide its position on producing non-custodial policy and procedure files or an index of policies and procedures, including for retaining email and other communications on other platforms such as slack and G chat.**

Uber will reproduce information produced in the JCCP related to policies and procedures, as well as retention policies.

- I. Confirm that when Uber applies search terms to custodial files, the entire mailbox plus all attachments and hyperlinked documents will be pulled and searched and if either the email or attachment/hyperlinked document hits on a search term, but the email and attachment/hyperlinked document will be produced.**

Uber confirms that for custodial files, the entire mailbox is being pulled, including attachments and hyperlinked documents. Search terms are run across the entire collection, and hit results are promoted to the CAL workflow in accordance with the ESI protocol. Uber will produce responsive documents as outlined in the ESI Protocol.

Veronica G. Gromada

Partner

Shook, Hardy & Bacon L.L.P.

713-546-5683 | vgromada@shb.com



From: Beth Wilkins <Wilkins@chaffinluhana.com>

Sent: Tuesday, May 7, 2024 4:53 PM

To: Gromada, Veronica G. (SHB) <vgromada@shb.com>; Roopal Luhana <Luhana@chaffinluhana.com>; Shortnacy, Michael (SHB) <mshortnacy@shb.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Haider, Jay B. (SHB) <jhaider@shb.com>; Schoultz, Shannon M. (SHB) <sschoultz@shb.com>; 'Wolf, Marc Price' <mpricewolf@paulweiss.com>; Wikler, Jeremy (SHB) <JWIKLER@shb.com>

Cc: Rachel Abrams <rabrams@peifferwolf.com>; Sarah London <slondon@lchb.com>; Uber MDL Discovery Team <ubermlddiscovery@chaffinluhana.com>; Michael Sweet <sweet@chaffinluhana.com>

Subject: RE: Uber MDL M&C re: Discovery Schedule and Custodians,

EXTERNAL

Counsel,

In follow up to our call this afternoon, we'd like to memorialize the following items that were discussed:

1. By the end of this week, Uber will:
 - a. Provide Uber's search terms, or if not, a date certain by which Uber will provide its search terms.
 - b. Provide hit reports for searches Uber has run to date, including the terms used and the custodial or non-custodial sources searched.
 - c. Identify by Request number the RFPs that Uber objects to for each category of objection under point (1) of Ms. Gromada's May 6 email.
 - d. Identify the basis for Uber's objections to the RFPs indicated under point (2) of Ms. Gromada's May 6 email.
 - e. Identify the discovery request in the JCCP litigation corresponding to each MDL RFP indicated under point (3) of Ms. Gromada's May 6 email.
 - f. Identify the process that Uber proposes for producing the documents previously produced in the JCCP (under point (3) of Ms. Gromada's email), provide a date certain that Uber will produce those documents here, and confirm that the production will be in compliance with the ESI order in place here, including all metadata fields.
 - g. Provide its position on producing non-custodial files related to its collection, aggregation, categorization and analysis of sexual misconduct reports including the data underlying Uber's Safety Reports as well as the data for the remaining 16 categories of sexual misconduct that was not included in the Safety Reports, as well data and files that have been created or collected following the Safety Reports. This will include whether Uber will produce here the files that it has been ordered to produce in the JCCP.
 - h. Provide its position on producing non-custodial policy and procedure files or an index of policies and procedures, including for retaining email and other communications on other platforms such as slack and G chat.
 - i. Confirm that when Uber applies search terms to custodial files, the entire mailbox plus all attachments and hyperlinked documents will be pulled and searched and if either the email or attachment/hyperlinked document hits on a search term, but the email and attachment/hyperlinked document will be produced.
2. The parties will hold a final meet and confer regarding custodians, non-custodial sources, and search terms on May 20. If we have not reached an agreement on each of these topics by May 27, plaintiffs will initiate the PTO 8 process so that this issue will be before Judge Cisneros by June 6.
3. Uber will serve final objections and responses to plaintiffs' First Interrogatories and First Requests for Admission by June 20.

4. By June 29, Uber will have produced the majority of non-custodial files indicated under point (4) of Ms. Gromada's May 6 email. The only documents under point (4) that may not yet be produced by that date are documents responsive to later-filed cases in which the DFS would not be due before June 29.
5. We will meet and confer about these issues as well as custodians and the discovery schedule in general on May 10 at 12 ET/11 CT/9 PT.

Beth Wilkins, J.D., M.P.H.



CHAFFIN LUHANA LLP

Cell: (314) 856-5440

CONFIDENTIALITY NOTE: This E-mail message contains information belonging to Chaffin Luhana LLP and may be privileged, confidential and/or protected from disclosure. The information is intended only for the use of the individual or entity named above. If you think that you have received this message in error, please E-mail the sender. If you are not the intended recipient, please delete the message and understand that any dissemination, distribution or copying is strictly prohibited.

From: Gromada, Veronica G. (SHB) <vgromada@shb.com>

Sent: Monday, May 6, 2024 9:28 PM

To: Beth Wilkins <Wilkins@chaffinluhana.com>; Roopal Luhana <Luhana@chaffinluhana.com>; Shortnacy, Michael (SHB) <mshortnacy@shb.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Haider, Jay B. (SHB) <jhaider@shb.com>; Schoultz, Shannon M. (SHB) <sschoultz@shb.com>; 'Wolf, Marc Price' <mpricewolf@paulweiss.com>; Wikler, Jeremy (SHB) <JWIKLER@shb.com>

Cc: Rachel Abrams <rabrams@peifferwolf.com>; Sarah London <slondon@lchb.com>; Uber MDL Discovery Team <ubermlddiscovery@chaffinluhana.com>; Michael Sweet <sweet@chaffinluhana.com>

Subject: Uber MDL M&C re: Discovery Schedule and Custodians,

Roopal/counsel,

In the spirit of cooperation, moving things forward, and discussion purposes only (without prejudice to or waiver of Uber's formal positions or objections to be taken in its written responses) Uber:

(1) Identifies, without prejudice, any objections to RFPs that would result in the withholding of large portions of documents (i.e., objections that would be made to multiple RFPs):

- Requests that relate to activities occurring outside the US;
- Requests calling for information outside of a time scope 1 year prior to 1st complaint (2014-2023);
- Requests for documents outside the possession of Uber;
- Requests for documents relating to Uber's payments regarding lobbying efforts, support for certain organizations or activities;
- Request for documents related to Uber campaigns or business initiatives or any activities unrelated to sexual misconduct or sexual assault in connection with trips requested using the Uber app in the US;
- Request for all documents related to a short quote with no accompanying context;
- Requests for documents not related to sexual misconduct or sexual assault in connection with trips requested using the Uber app in the US;
- Requests for documents implicating the privacy rights of non-parties;
- Requests asking for information related to subsequent remedial measures ("SRMs");
- Requests related to statistics, tickets or other reporting, not involving named Plaintiffs.

(2) Identifies, without prejudice, any RFPs that Uber objects to into their entirety:

14, 16, 17, 27, 108, 111, 113, 127, 128, 131, 135, 142, 157, 176, 177, 178, 189, 190, 191, 192, 194, 195, 196, 199, 200, 202

(3) Identifies, without prejudice, any RFPs that are fully covered by documents already produced in the JCCP (Plaintiffs requested a date certain for production; Uber will provide this to Plaintiffs upon entry of the coordination order):

1, 2, 4, 7, 8, 9, 10, 11, 20, 25, 65, 70, 81, 82, 89, 91, 92, 93, 96

(4) Provides a list of non-custodial files that can be produced without the use of search terms and a date certain for production.

- Documents produced pursuant to PTO 5;
- Team Google Drives;
- Bliss;
- PureCloud;
- The following has been provided as part of our DFS submissions (some of which have 100s of attached documents);
 - All communications, regarding the incident, between Uber and plaintiff, Uber and the independent drivers of subject trips, and Uber and any other witness to the alleged incident;
 - This category includes written tickets as well as documents linked within those tickets, including any recordings of communications;
 - Complete background check results in Uber's possession for each independent driver of a subject trip;
 - Complete account status log for each independent driver of a subject trip;
 - Essentially all tickets for each independent driver of a subject trip, with certain limitations;
 - All communications exchanged between Uber and LERT, Uber and law enforcement, Uber and prosecutors, and/or Uber and Lyft related to alleged misconduct and/or crimes by each independent driver of a subject trip;
 - Ride receipts for rides at issue, when available;
 - Agreements with independent drivers of subject trips;
 - Chronicle Trip map for each subject trip;
 - Complete background check results in Uber's possession for each independent driver of a subject trip;
 - Complete logs of agreements between Uber and each independent driver of a subject trip;
 - Complete account status log for each independent driver of a subject trip;
 - Annual tax summaries for each independent driver of a subject trip;
 - Narrative responses relating to each Plaintiff, including number of Uber-facilitated rides, dates of Uber-facilitated rides, and whether the Plaintiff also worked as an independent driver using the Uber Platform;
 - Narrative responses relating to each subject trip, including type of ride and UUID;
 - Narrative responses relating to the independent driver of each subject trip, including name, address, DOB, UUID, driver's license number, number of trips completed, star rating;
 - Narrative responses relating to each incident at issue, including date of report, reporter, category of conduct-based taxonomy as first reported, communications from law enforcement, and submission of legal process.

We are now reviewing Plaintiffs' proposed custodian received Friday evening, along with vetting search terms. We look forward to continued discussions.

Thank you.

Veronica G. Gromada

Partner

vgromada@shb.com | (713)930-8851

From: Gromada, Veronica G. (SHB)

Sent: Friday, May 3, 2024 9:25 PM

To: Beth Wilkins <Wilkins@chaffinluhana.com>; Shortnacy, Michael (SHB) <mshortnacy@shb.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Haider, Jay B. (SHB) <jhaider@shb.com>; Schoultz, Shannon M. (SHB) <sschoultz@shb.com>; 'Wolf, Marc Price' <mpricewolf@paulweiss.com>; Wikler, Jeremy (SHB) <JWIKLER@shb.com>

Cc: Roopal Luhana <Luhana@chaffinluhana.com>; Rachel Abrams <rabrams@peifferwolf.com>; Sarah London <slondon@lchb.com>; Uber MDL Discovery Team <ubermlddiscovery@chaffinluhana.com>; Michael Sweet <sweet@chaffinluhana.com>

Subject: Uber MDL M&C re: Discovery Schedule, Custodians, and Fact Sheet Deadlines

Dear Beth and Roopal,

Thank you for your email concerning the Discovery Milestones and we are now in receipt of your proposed custodian list.

As to Uber's custodian list, the custodians on the list are "likely to possess potentially relevant information" in keeping with the ESI order. With respect to the milestones, we appreciate the progress that has been made and want to further align on the following:

- **5/3** – Plaintiffs amended today's milestone to include a deadline for Uber to provide search terms. We suggest discussing search terms in the **5/13** and **5/20** meet and confers.
- **5/7** – This meet and confer was agreed following our discussions earlier this week, when we understood Plaintiffs would soon provide their preferred custodian list. However, since we just received Plaintiffs' proposed custodian list this evening, we think this M&C should be pushed to at least **5/10** or **11** in order to be productive.
- **5/10 – 5/21** – Plaintiffs added an 11 day conferral period for prioritization of certain custodian and non-custodial searches. We have apprised our client. As stated in this week's meet and confer, any prioritization will be contingent on the complexity of the request and time needed to comply.

Finally, as to the **5/3** milestone, Uber is reviewing and we will update you as soon as possible.

We look forward to upcoming conferrals regarding custodians and other matters.

Veronica G. Gromada

Partner

vgromada@shb.com | (713)930-8851

From: Beth Wilkins <Wilkins@chaffinluhana.com>

Sent: Friday, May 3, 2024 7:12 PM

To: Gromada, Veronica G. (SHB) <vgromada@shb.com>; Shortnacy, Michael (SHB) <mshortnacy@shb.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Haider, Jay B. (SHB) <jhaider@shb.com>; Schoultz, Shannon M. (SHB) <sschoultz@shb.com>; 'Wolf, Marc Price' <mpricewolf@paulweiss.com>; Wikler, Jeremy (SHB) <JWIKLER@shb.com>

Cc: Roopal Luhana <Luhana@chaffinluhana.com>; Rachel Abrams <rabrams@peifferwolf.com>; Sarah London <slondon@lchb.com>; Uber MDL Discovery Team <ubermlddiscovery@chaffinluhana.com>; Michael Sweet <sweet@chaffinluhana.com>

Subject: RE: Uber MDL M&C re: Discovery Schedule, Custodians, and Fact Sheet Deadlines

EXTERNAL

Counsel,

Attached please find the initial set of custodians that Plaintiffs believe are most likely to have discoverable information. Note that this is a preliminary list and does not indicate our final position with regard to custodians. We reserve the right to seek additional custodians.

Further, we noted that your custodian list provided on April 26 only indicates sexual assault litigation hold dates and does not include the dates that the custodians were under litigation hold in other types of litigation, which we presume the custodians would benefit from to the extent those holds previously existed. Please confirm that by listing sexual litigation hold dates on your custodian list, you did not intend to suggest that Uber would provide only documents preserved under those holds, but also documents preserved under all litigation holds, regardless of the type of litigation.

Thank you,
Beth

Beth Wilkins, J.D., M.P.H.



CHAFFIN LUHANA LLP

Cell: (314) 856-5440

CONFIDENTIALITY NOTE: This E-mail message contains information belonging to Chaffin Luhana LLP and may be privileged, confidential and/or protected from disclosure. The information is intended only for the use of the individual or entity named above. If you think that you have received this message in error, please E-mail the sender. If you are not the intended recipient, please delete the message and understand that any dissemination, distribution or copying is strictly prohibited.

From: Gromada, Veronica G. (SHB) <vgromada@shb.com>

Sent: Friday, April 26, 2024 8:52 PM

To: Roopal Luhana <Luhana@chaffinluhana.com>

Cc: Shortnacy, Michael (SHB) <mshortnacy@shb.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Rachel Abrams <rabrams@peifferwolf.com>; Haider, Jay B. (SHB) <jhaider@shb.com>; Marlene Goldenberg <mgoldenberg@nighgoldenber.com>; Uber MDL Discovery Team <ubermlddiscovery@chaffinluhana.com>; Schoultz, Shannon M. (SHB) <sschoultz@shb.com>

Subject: Uber MDL M&C re: Discovery Schedule, Custodians, and Fact Sheet Deadlines

Hi, Roopal.

I apologize for the late evening reply. Attached is an updated list of proposed custodians. I also want to acknowledge receipt of your proposed search terms.

Although we were unable to connect today, I do hope we can connect on Monday. Otherwise, please let me know what times work for you. I'll do my best to accommodate your schedule.

Thank you.

Veronica G. Gromada

Partner

vgromada@shb.com | (713)930-8851

From: Roopal Luhana <Luhana@chaffinluhana.com>
Sent: Thursday, April 25, 2024 6:53 PM
To: Gromada, Veronica G. (SHB) <vgromada@shb.com>
Cc: Shortnacy, Michael (SHB) <mshortnacy@shb.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Rachel Abrams <rabrams@peifferwolf.com>; Haider, Jay B. (SHB) <jhaider@shb.com>; Marlene Goldenberg <mgoldenberg@nighgoldenber.com>; Uber MDL Discovery Team <ubermlddiscovery@chaffinluhana.com>; Schoultz, Shannon M. (SHB) <sschoultz@shb.com>
Subject: Re: Uber MDL M&C re: Discovery Schedule, Custodians, and Fact Sheet Deadlines

EXTERNAL

Thanks for your email Veronica. Can you please let me know if you have any time available tomorrow to discuss? I'll note on the subpoena issue, Michael asked for a call today and Plaintiffs made time to talk today. Happy to make myself available outside the proposed window and move my schedule to accommodate your availability for tomorrow.

Best,
Roopal

On Apr 25, 2024, at 5:31 PM, Gromada, Veronica G. (SHB) <vgromada@shb.com> wrote:

Hi, Roopal.

Thanks for your note and chart. We do not agree that we are not prepared to meet the first milestone until May 3. As we have discussed before, we have agreed to provide an amended custodian list by EOD tomorrow, Friday April 26. We also previously discussed with you the suggestion that the parties meet and confer on Monday, April 29, after you have had an opportunity to review the amended list.

As for the extensions, we have requested 60 days each for the written responses First RFPs, RFAs and Roggs subject to the September 1 deadline to substantially comply with the production of non-privileged responsive documents. In the meantime, we are also preparing a May 3 production of non-custodial and JCCP documents.

Please advise if you are available Monday between 2 and 4 p.m. ET to discuss.

Veronica G. Gromada

Partner

vgromada@shb.com | (713)930-8851

From: Roopal Luhana <Luhana@chaffinluhana.com>
Sent: Thursday, April 25, 2024 4:15 PM
To: Roopal Luhana <Luhana@chaffinluhana.com>
Cc: Gromada, Veronica G. (SHB) <vgromada@shb.com>; Shortnacy, Michael (SHB) <mshortnacy@shb.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Rachel Abrams <rabrams@peifferwolf.com>; Haider, Jay B. (SHB) <jhaider@shb.com>; Marlene Goldenberg <mgoldenberg@nighgoldenber.com>; Uber MDL Discovery Team

<ubermddiscovery@chaffinluhana.com>; Schoultz, Shannon M. (SHB) <sschoultz@shb.com>

Subject: Re: Uber MDL M&C re: Discovery Schedule, Custodians, and Fact Sheet Deadlines

EXTERNAL

Hi Veronica, I'm following-up on below. Can you please let me know if the below time works or propose another time that works for you tomorrow? Thanks.

Best,
Roopal

On Apr 24, 2024, at 5:59 PM, Roopal Luhana <luhana@chaffinluhana.com> wrote:

Veronica, thank you for your e-mail. It seems like the milestones have generally been pushed back from what even Defendants initially proposed; please see our respective proposals attached. We'd like to do our best here to come to an agreement to facilitate the discovery process. However, it is not helpful that Defendants are unable to fully comply with the first milestone until May 3 (we believe the custodial and non-custodial sources should be ripe for discussion in light of case status). We want to discuss these timelines further and understand why Defendants are requesting beyond the initial extension; based on the proposal Defendants are requesting almost 3 months for the RFPs and 2 months for the Rogs and RFAs. Are you available on Friday between 12:30-2:30pm ET to discuss? If not, please provide your availability otherwise. Look forward to talking soon.

Best,
Roopal

From: Gromada, Veronica G. (SHB) <vgromada@shb.com>

Sent: Monday, April 22, 2024 10:33 PM

To: Roopal Luhana <Luhana@chaffinluhana.com>

Cc: Shortnacy, Michael (SHB) <mshortnacy@shb.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Rachel Abrams <rabrams@peifferwolf.com>; Haider, Jay B. (SHB) <jhaider@shb.com>; Marlene Goldenberg <mgoldenberg@nighgoldenberglaw.com>; Uber MDL Discovery Team <ubermddiscovery@chaffinluhana.com>; Schoultz, Shannon M. (SHB) <sschoultz@shb.com>

Subject: Uber MDL M&C re: Discovery Schedule, Custodians, and Fact Sheet Deadlines

Good evening, Roopal.

Apologies for the late evening response. I wanted to give a complete update rather than responding piecemeal. First, there is definitely middle ground here. Please see the attached Discovery Scheduled with milestones and dates proposed by Plaintiffs and Uber. Note that the dates and milestones have been pared down, in part, because a number of action items are near complete.

As mentioned, we were already working to amend and, or supplement the custodian list to account for specific documents and information sought in MDL, and to ensure that to ensure that custodians are identified to cover various themes and topics. Thus, Uber has agreed to provide an updated list this **Friday, April 26**.

In addition to further custodian identification, Uber will be producing non-custodial documents that are not subject to search terms and corporate documents produced in the JCCP by **Friday, May 3**.

Again, I hope you view this as progress and an opportunity to reach agreement on the other milestones.

Veronica G. Gromada

Partner

vgromada@shb.com | (713)930-8851

From: Roopal Luhana <Luhana@chaffinluhana.com>
Sent: Sunday, April 21, 2024 10:56 AM
To: Gromada, Veronica G. (SHB) <vgromada@shb.com>
Cc: Shortnacy, Michael (SHB) <mshortnacy@shb.com>; Oot, Patrick L. (SHB) <OOT@shb.com>; Rachel Abrams <rabrams@peifferwolf.com>; Haider, Jay B. (SHB) <jhaider@shb.com>; Marlene Goldenberg <mgoldenberg@nighgoldenberglaw.com>; Uber MDL Discovery Team <ubermlddiscovery@chaffinluhana.com>
Subject: Re: Uber MDL M&C re: Discovery Schedule, Custodians, and Fact Sheet Deadlines

EXTERNAL

Thank you for the e-mail Veronica. We agreed to extend the time to 5/29 for fact sheets due on 5/25 due to the holiday and stated that the other deadlines should comply with Judge Breyer's Order.

With respect to the discovery milestones, we did focus on the first milestone for Ds to produce a list of relevant custodians (if we cannot get past the first milestone where Plaintiffs believe Defendants are acting in good faith than it will be difficult to get through the remaining milestones). We, however, specifically discussed that you are working with your client to see if an agreement can be reached on Plaintiffs' proposal (initially submitted March 26 and then updated and sent on April 17 in response to Ds' proposal) or if you're able to find some middle ground with your client. You indicated that you'd provide that on Monday, the latest, along with your position on custodians. Is that no longer the case? And if not, please let us know when you intend send any further counter on our suggested milestones?

Best,
Roopal

On Apr 19, 2024, at 10:37 PM, Gromada, Veronica G. (SHB)
<vgromada@shb.com> wrote:

Roopal,

Thank you for the call today. Here are a couple of key takeaways from today's meet and confer. First, the parties reached a partial agreement on Fact Sheet deadlines. Specifically, we agreed to extend the deadline for Fact Sheets in cases served before March 26 from Saturday, 5/25 to Wednesday, 5/29. Plaintiffs did not agree, however, that the Fact Sheets for cases that have already been served since March 26 can be produced with the 5/29 Fact Sheets. All Fact Sheets for cases served after March 26 will be served 30 days after the MDL filing for PFSs and 30 days after service of ride information for DFSs. Thus, Fact Sheets for some cases filed after March 26 will be due before Fact Sheets for earlier filings.

With respect to the Discovery Schedule milestones, custodian identification was a pivotal point of discussion. With that in mind, we have agreed to address Plaintiffs' concerns with our client and report back as soon as possible concerning the timing of any amendments and, or supplements to custodians.

We will report back. Have a good weekend.

Veronica G. Gromada

Partner

Shook, Hardy & Bacon L.L.P.

713-546-5683 | vgromada@shb.com

<[image001.jpg](#)>

CONFIDENTIALITY NOTICE: This e-mail message including attachments, if any, is intended for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message. Thank you.

<Discovery Milestones Table.docx>